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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,327	03/12/2001	Gunter Knepe	HM-361PCT	3564

7590 09/17/2002

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New York, NY 10173

EXAMINER

LARSON, LOWELL A

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/673,327

Applicant(s)

KNEPPE ET AL. *OK*

Examiner

Lowell A. Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 to 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 to 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 10 “insignificantly greater” is a relative term which is not defined in the specification or the claim to a degree such that one skilled in the art would be able to determine when infringement would occur. Such claims are considered to be vague and indefinite because the invention is not particularly pointed out.

#### ***Claim Rejections - 35 USC § 102***

4. Claims 1 to 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Matveev taken with Morgoil Bearings for the reasons set forth in Paragraph 2 of the last Office action (Paper No. 7 mailed April 12, 2002).

Applicant’s remarks in the response filed August 15, 2002 have been considered but are not found to be persuasive. In particular, Matveev Figure 1 is seen to disclose a roll stand in

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which each of the work rolls is provided with an oil film bearing and an integral hydraulic unit for axial displacement. Figure 2 discloses such rolls in a stand having backup and intermediate rolls. It is noted that these claims require only a single pair of the rolls in a multi-roll stand to be axially adjustable. Clearly, one skilled in the art would understand that the Matveev hydraulic connections shown in Figure 1 indicate axial adjustment is effected by a cylinder provided on each side of a piston integrally provided as a ring on the roll neck.

***Claim Rejections - 35 USC § 103***

5. Claims 1 to 9 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Mercer et al. in view of Salter, Jr. for the reasons set forth in Paragraph 4 of the last Office action.

Applicant's remarks in the August 15, 2002 response are unpersuasive. Mercer et al. discloses that both work rolls may have the facility for axial adjustment. See column 1, lines 16 to 20. To provide <sup>both rolls with</sup> the type of hydraulically actuated adjustment disclosed by Mercer et al., modified with oil film bearing sleeves following the suggestion of Salter, Jr., would be an obvious mechanical expedient to one skilled in the art. One skilled in the art would be motivated to employ oil film bearing sleeves, suggested by Salter, Jr. to be preferable, in order to reduce frictional forces to the maximum extent possible.

These claims require both work rolls to be axially adjustable. This feature is clearly suggested by Mercer et al. The provision of backup and/or intermediate rolls in a conventionally known manner for performing their usual functions in combination with the axially adjustable work rolls of Mercer et al. is considered to be an obvious exercise of mechanical design to one

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skilled in the rolling art, and not a patentable distinction absent a disclosure of criticality in the solution of stated problems in the use of any specific combination of rolls and adjustments.

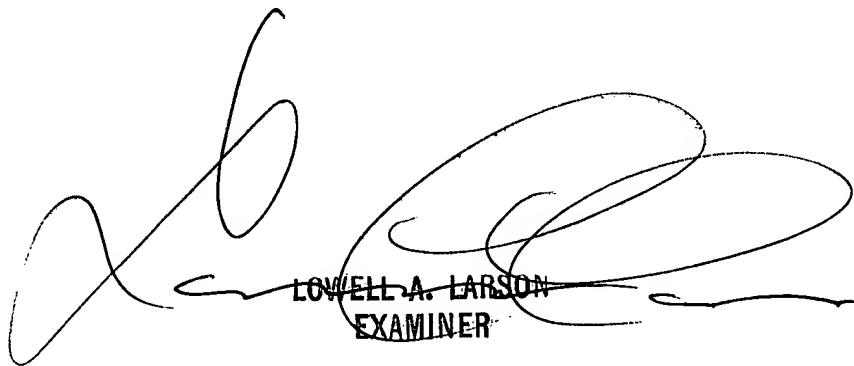
***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the undersigned Examiner whose telephone number is (703) 308-1873 and fax number is (703) 305-9835 (draft papers) or (703) 305-3579 (formal papers).



LOWELL A. LARSON  
EXAMINER

LAL

September 12, 2002